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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,512	12/28/2001	Manfred Gensler	LUDR 3.0-082	1239
1815	7590	10/10/2003	EXAMINER	
SELITTO, BEHR & KIM 203 MAIN STREET METUCHEN, NJ 08840-2727			JUSKA, CHERYL ANN	
			ART UNIT	PAPER NUMBER

1771

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/034,512	GENSLER, MANFRED	
	Examiner	Art Unit	
	Cheryl Juska	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is indefinite for the use of the phrase "wherein said second affixing element the edge segments comprises...." First, the grammar is awkward. Secondly, it is unclear if applicant is referring to the edge segments of the second circumferential edge of the first affixing element as set forth in previous claims or if applicant intends to state that the second affixing element also comprises edge segments. If the latter is the case, the claim lacks proper antecedent basis for the limitation.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,666,691 issued to Bealing et al. in view of US 4,829,627 issued to Altus et al.

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Bealing discloses a method for securing an automobile floor covering to an underpad (i.e., base covering) (abstract). The covering is preferably a carpet material (col. 2, lines 1-12). Figure 4 shows the underpad 5 having a first affixing means 101 embedded therein. The floor covering 1 (i.e., supplemental mat) includes a second affixing element 100, which is complementary to the first affixing element, so that the floor covering and underpad can be releaseably connected without said affixing elements being visible. The first affixing means 101 has a protrusion 30 (i.e., male fastener) which is grippable by the opening 11 of the second affixing means 100 (i.e., female fastener). Both affixing means have substantially cylindrical cross-sections and the protrusion 30 has a plurality of edge segments 32. The second affixing means 100 is in the form of a plate 4 that is attached to the underside of the carpet floor covering 1 by means of fusing (i.e., welded) (col. 4, lines 53-55).

5. Bealing teaches the limitations of claims 1, 3, 4, and 13 with the exception that the base covering has a napped upper surface, since Bealing's base covering is actually an underpad for the supplemental carpet. However, it is well known in the art of auto flooring to have a carpet base and a supplemental mat, wherein the two are fastened together. For example, Altus discloses a method of attaching a retainer (i.e., supplemental mat) to a base floor mat (abstract). Altus states, "It has long been the practice to cover areas of automotive carpeting which are subjected to heavy wear with separate floor mats which usually have at least one surface covered with a carpet material." (col. 1, lines 19-23). Thus, it would have been obvious to one of ordinary skill in the art to employ the Bealing invention for attaching a mat to a carpet flooring, rather than a carpet to an underpad, since it is well known in the art to employ fasteners for attaching mats to carpet flooring. Motivation to do so would include expanding the number of

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applications of the Bealing invention and to expand the number of auto flooring designs available to the consumer. Therefore, claims 1, 3, 4 and 13 are rejected as being obvious over the cited prior art.

Bealing teaches the invention of claims 5-12 and 14-18, with the exception that the first and second affixing means are in a reversed position. In other words, Bealing teaches the male fastener is affixed to the lower underpad or base covering and the female fastener is attached to the upper floor covering, while applicant claims the female fastener is affixed to the lower base covering and the male fastener is attached to the upper supplemental mat. However, it is well known in the art of fasteners that the male and female components are interchangeable in position. For example, Altus states, "The typical floor mat utilizing this method will have a retainer with a series of male or female fasteners provided on the retainer, and the floor mat will have openings corresponding to these fasteners, through which the other fastener, whether it be male or female, can be passed to firmly attach the floor mat to the retainer." (Abstract.)

Additionally, it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Thus, it would have been obvious to one skilled in the art to reverse the positions of the male and female fasteners of the Bealing invention. Therefore, claims 5-12 and 14-18 are rejected over the prior art.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the

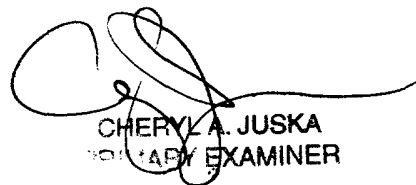
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Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

cj  
September 30, 2003



CHERYL A. JUSKA  
NOTARY EXAMINER